

Excerpts
Planning Commission Minutes
December 14, 2005

Application No. UP-689-05, Wanda W. Walls: Request for a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on a 1.52 acre parcel of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58. The property is zoned R20 (Medium density single-family residential) and the Comprehensive Plan designates this area for General Business and Medium-Density Residential development.

Earl Anderson, AICP, Planner, presented a summary of the staff report to the Commission dated November 30, 2005, in which the staff recommended approval.

Mr. Barba asked if the lot next to the applicant's property will be developed and **Mr. Anderson** told him a building permit had been requested for that adjacent lot. However, because the applicant for the permit did not own the lot a Stop Work order was issued in April 2005 and no activity has occurred on the lot since then. If built, the house on that lot would still have a distance of more than 150 feet from the proposed kennel.

Mr. Anderson noted that on his site visit he had heard no barking beyond the Walls residence.

Mr. Abel asked if any complaints about barking dogs at the applicant's address had been registered with the County, and **Mr. Anderson** replied there had been none recently nor in the past.

Ms. Wanda W. Walls, 114 Harrod Lane, stated the application was to allow her dogs and those owned by her daughter, Adrienne Isham, who shares her home and owns four dogs, to be kenneled at the address. **Ms. Walls** said she is a member of several AKC kennel clubs, has attended breeding seminars and taught handling classes, and she and Ms. Isham breed and show AKC-registered Shetland sheep dogs and Australian shepherds. She is applying for the Special Use Permit in order to comply with County regulations, which she had not known about in the past.

Ms. Walls said she was compliant with County regulations and aware of Yorktown Library hours and its special events, such as book sales, and allowed her dogs out for only short periods during such times so as not to disturb Library activities.

Ms. Walls requested amendment to proposed Conditions No. 4 and 5 to allow training of one dog at a time outside the designated dog run and to permit up to four dogs in the dog run at any time of the day. She noted that the County Code allows ownership of up to four dogs without a Special Use Permit. She explained it would be a hardship to confine dogs inside during the hours proposed and requested permission to let up to four dogs out at any time.

The applicant's complete statement is attached to and made a part of these Minutes.

Mr. Barba asked if Ms. Walls worked outside the home. She said that she, her husband, and daughter all are employed outside the home but at different hours so someone is home almost all the time.

Chair Ptasznik opened the public hearing.

Mr. Charles Marshall, Jr., 8 Holloway Road, Newport News, stated that he owns the property at 216 Harrod Lane on which he wants to build a house. He posed a question to the Commission whether the members would want 15 dogs living next door to them. **Mr. Abel** asked the speaker if he would want that and **Mr. Marshall** said “no.”

Chair Ptasznik closed the public hearing.

Ms. Conner was in favor of approval. She stated from her own experience that a kennel could be well maintained and well run. She also favored the applicant’s request to amend Conditions 4 and 5, adding that it is unrealistic to expect dogs to stay indoors for an 11-hour period and that individual dog training needs to be undertaken outside the run and away from the other dogs.

Mr. Barba agreed that the house is well maintained and the staff presented a good case, but 15 is a large number of dogs for a residentially zoned area.

Mr. Abel agreed, but pointed out it was the number of dogs that triggered the application. He believed it was reasonable to allow the requested revisions because it would make little sense to limit the applicant’s dogs to less time outdoors than any County resident who owns only four dogs.

Mr. Hamilton moved adopting proposed Resolution No. PC05-49(R), revising Conditions 4 and 5.

Resolution No. PC05-49(R)

On motion of Mr. Hamilton, which carried 6:1 (Mr. Barba dissenting), the following resolution was adopted:

A RESOLUTION TO RECOMMEND APPROVAL OF A SPECIAL USE PERMIT
TO AUTHORIZE A PRIVATE KENNEL AT 114 HARROD LANE (ROUTE 678)

WHEREAS, Wanda W. Walls has submitted Application No. UP-689-05 requesting a Special Use Permit, pursuant to Section 24.1-306 (Category 2, Number 6) of the York County Zoning Ordinance, to authorize a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor’s Parcel No. 24-58 (GPIN Q09D-3368-1325); and

WHEREAS, said application has been referred to the York County Planning Commission in accordance with applicable procedure; and

WHEREAS, the Planning Commission has conducted a duly advertised public hearing on this application; and

WHEREAS, the Commission has given careful consideration to the public comments and staff recommendation with respect to this application;

NOW, THEREFORE, BE IT RESOLVED by the York County Planning Commission this the 14th day of December, 2005, that it does hereby transmit Application No. UP-689-05 to the York County Board of Supervisors with a recommendation of approval to authorize a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325) subject to the following conditions:

1. This use permit shall authorize the establishment of a private kennel on 1.52 acres of land located at 114 Harrod Lane (Route 678) and further identified as Assessor's Parcel No. 24-58 (GPIN Q09D-3368-1325).
2. The private kennel shall be limited to a maximum of fifteen (15) dogs that are six (6) months or older in age and weigh less than fifty (50) pounds. No commercial kennel operation, such as overnight boarding, training, or renting shall take place on the property.
3. The fifteen (15) dogs shall be licensed according to York County requirements and confined to the property.
4. Outside activity for more than four (4) dogs at a time shall be limited to the designated run area specified in the applicants letter "October 16, 2005, Re: Request for Special Use Permit, Planning Division of York County" and on the sketch plan titled "Sketch Plan for Q09d-3368-1325" prepared by the applicant and submitted to the York County Planning Division on October 17, 2005. The designated run area will be cleaned daily to remove animal waste. The designated run shall be treated to control pests a minimum of twice a year.
5. Any more than four (4) dogs at a time shall be restricted to outside activity Monday through Sunday only during the hours of 7:00 AM to 9:00 AM, 2:00 PM to 5:00 PM, and 6:00 PM to 8:00 PM.
6. The property owner shall admit, or cause to be admitted, to the property at any reasonable time, with or without prior notice, Zoning and Code Enforcement staff or any designee of the County Administrator for the purpose of monitoring compliance with the conditions of this permit.
7. The private kennel Special Use Permit shall expire upon the occurrence of either of the following:
 - a. Transfer of ownership of the land by any means to anyone other than the applicant.
 - b. Termination of residence by the applicant at 114 Harrod Lane, Yorktown, Virginia.
8. In accordance with Section 24.1-115(b)(7) of the York County Zoning Ordinance, a certified copy of the resolution authorizing this Special Use Permit shall be recorded at the expense of the applicant in the name of the property owner as grantor in the office of the Clerk of the Circuit Court.

December 14, 2005

I, Wanda Walls of 114 Harrod Lane have made application in accordance to York County Planning Division for a Special Use Permit for 15 dogs under a 50 pound weight limit. The breeds are Shetland Sheepdogs (some call them Miniature Collies) and a medium size breed of Australian Shepherds. My daughter and I breed and show these dogs for our own private purpose. I have had dogs some years while living at this location and some years I did not have any dogs as there were other priorities that came first.

According to Section 24.1-417 of the Zoning Ordinance I feel that I am within the guidelines set forth in the ordinance.

I am a member of Gloucester Kennel Club and the Webmaster for said club. I and my daughter, Adrienne Isham show and breed according to American Kennel Club Breed Standards. I have attended the Successful Dog Breeding seminar by world renowned Dr. Alvin Grossman in reference to breeding better dogs thru genetics, line breeding, inbreeding, genotype and phenotype. I have taught handling classes in Gloucester County, attended handling and grooming seminars and I am dedicated to responsible dog ownership for myself and others.

For the year 2005 my numbers started increasing, partly due to my daughter and breeding my own dogs. I visited the Treasurer's website searching for a limit on the number of dogs that a resident could have. On the website for licensing of dogs, I could not find a limit so I and my daughter went to the county office to get the proper licensing. I even licensed dogs that were 4 months old. I wanted to be sure I was compliant with county regulations.

I have always tried to be respectful of our neighboring library hours and their book sale days. I have only let dogs out for short periods and in small groups during book sale days in order to give the library respect of quietness. I did not state the hours that I let my dogs out in my letter, I told Zoning and Compliance that I normally let them out 6-10 a.m. and 3-10 p.m. and they are never out unless someone is here to supervise and control any barking.

I have never had a complaint concerning any dog until a disgruntled breeder in Norfolk recently made a complaint to York County Zoning and Animal Control. Her issue is over the ownership of 3 puppies that I acquired from her. One of those puppies she asked me to take because she had too many dogs where she lived and could not keep him. At a later time, she decided she wanted them back and without any discussion she filed a court charge. Those puppies are in litigation until settled by the court as to ownership.

I received the Planning Commission Resolution outlining the recommendations pursuant to my application.

I do not feel that it would be humane to keep a dog inside for 11 hours, should the dog have a need to go out based on Resolution #5 as dogs must be inside by 8 p.m.

I disagree with resolution # 4 (limiting outside activity to the run area only) and #5 (all dogs must be up by 8 p.m.) based on the same Matter of Right given to 4 dogs or less. I do not want to be in violation of the Resolution should a dog be in the run area or on my premises while supervised, other than the resolution stated times. I feel this is a fair request in regards to humane animal treatment and Matter of Right conveyed to other dog owners with 4 or less dogs.

I am in agreement on the time limits and outside activity for having 15 dogs total out at one time.

I hereby request that condition # 4 of the resolution pertaining to limiting the outside activity to the designated run area and the time limit on outside activity as stated in condition #5 of the resolution be reconsidered and amended. By Matter of Right in the ownership of 4 dogs or less for all residents, they are allowed to be outside at any given time in York County. I feel that it should be a Matter of Right for 4 dogs or less, under supervision, not be restricted to the designated run area for training purposes and other Matter of Right purpose, being the same as that which is conveyed to all owners of 4 or less dogs in York County.

I am appreciative of Mr. Gene Hogge of Zoning and Compliance and Officer Monroe of Animal Control for their guidance and expertise in explaining and educating in reference to Zoning. I would also like to thank Earl Anderson for helping me with the planning and requirements necessary for the application and process.

I hereby request consideration of amending Resolution # 4 and 5. I ask the Planning Commission to approve Application No. UP-689-05 for a Kennel License for 15 dogs with amendments for 4 or less dogs in regards to time limits and outside activity.